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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,372	02/18/2004	Miska Hannuksela	915-005.043-1	3558
4955 7590 07/11/2007 WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN, BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468			EXAMINER ANYIKIRE, CHIKAODILI E	
			ART UNIT 2621	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/782,372	<b>Applicant(s)</b> HANNUKSELA, MISKA	
	<b>Examiner</b> Chikaodili E. Anyikire	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>20040730</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This application is responsive to application number (10782372) filed on February 18, 2004. Claims 1-28 are pending and have been examined.

***Information Disclosure Statement***

2. Acknowledgement is made of applicant's information disclosure statement.

***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The USPTO "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" (Official Gazette notice of 22 November 2005), Annex IV, reads as follows:

Claims that recite nothing but the physical characteristics of a form of energy, such as a frequency, voltage, or the strength of a magnetic field; define energy or magnetism, per se, and as such are nonstatutory natural phenomena. O'Reilly, 56 U.S. (15 How.) at 112-14. Moreover, it does not appear that a claim reciting a signal encoded with functional descriptive material falls within any of the categories of patentable subject matter set forth in Sec. 101.

... a signal does not fall within one of the four statutory classes of Sec. 101.

... signal claims are ineligible for patent protection because they do not fall within any of the four statutory classes of Sec. 101.

Claims 10, 11, and 24-27 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. An acceptable form of the preamble of claim 10 reads, "A computer readable medium encoded with computer executable instructions for performing a method for ordering encoded pictures, the method comprising:", an acceptable form of the preamble of claim 24 reads, "A computer readable medium encoded with computer executable instructions for perform

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a method for ordering encoded pictures, comprising:", and an acceptable form of the preamble of claim 25 reads, "A computer readable medium encoded with computer executable instructions for performing a method for ordering encoded pictures comprising:". Claims 11 and 26 define a signal with descriptive material. While "functional descriptive" may be claimed as a statutory product (i.e., "manufacture") when embodied on a tangible computer readable medium, a signal embodying that same functional descriptive material is neither a process nor a product (i.e., a tangible "thing") and therefore does not fall within one of the four statutory classes § 101. Rather, "signal" is form energy, in the absence of any physical structure or tangible material. See "101 Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility", Annex IV, Computer-Related Non-Statutory Subject Matter.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-16 and 20-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Setogawa et al (US 5, 822, 024).

As per claim 1, Setogawa et al disclose a method of ordering encoded pictures, the method comprising an encoding step for forming encoded pictures in an encoder

(Fig 2, Col 4 Ln 66 – Col 5 Ln 8), in which at least one group of pictures is formed (Fig 6a, Col 7 Ln 33 – 48), a picture ID is defined for each picture of the group of pictures (Fig 6a and 6c, Col 7 Ln 44-46), a transmission step for transmitting said encoded pictures to a decoder (Fig 1, Col 7 Ln 1-5), and a rearranging step for arranging the encoded pictures in decoder order (Fig 3, 42, Col 6 Ln 31 – 63), wherein in the encoding step a video sequence ID separate from the picture Id is defined for the encoded pictures (Fig 6a, Sequence Header).

As per claim 2, Setogawa et al disclose the method according to claim 1, wherein the video sequence ID being the same for each picture of the same group of pictures (Fig 6a-6c), wherein in the decoding step (Fig 3) the video sequence ID is arranged to be used for determining which pictures belong to the same group of pictures (Fig 3, 42 and Fig 6a, Sequence Layer, Col 6 Ln 46 – Col 6 Ln 52 and Col 7 Ln 38-40).

As per claim 3, Setogawa et al disclose the method according to claim 1, wherein two or more group of pictures are formed (Fig 6a), and different video sequence IDs are defined for said two or more group of pictures (Fig 6a and 6b).

As per claim 4, Setogawa et al disclose the method according to claim 3, wherein the decoding order of the pictures is determined according to the video sequence ID (Fig 3, 42 and Fig 6a, Sequence Layer, Col 6 Ln 46 – Col 6 Ln 52 and Col 7 Ln 38-40).

As per claim 5, Setogawa et al disclose the method according to claim 3, wherein the decoding order of the video sequence IDs are transmitted on transmission layer (Fig 6b, time code, Col 7 Ln 34 – Ln 46), and the picture IDs are transmitted on video layer (Fig 6c, Picture Coding Type, Col 7 Ln 17 – Ln 33).

Regarding claim 6, arguments analogous to those presented for claim 1 and 2 are applicable to claim 6.

As per claim 7, Setogawa et al disclose the method according to claim 6, wherein one picture of each group of pictures is an independently decodable picture (Col 7 Ln 17 – Col 7 Ln 21) for which said video sequence ID is defined, at least one sub-sequence is formed of the pictures of the group of pictures, and that each picture of the sub-sequence has the same video sequence ID as the independently decodable picture of the same group of pictures (Fig 6a-c, GOP Layer).

Regarding claim 8, arguments analogous to those presented for claims 1 and 2 are applicable to claim 8.

Regarding claim 9, arguments analogous to those presented for claim 1 and 2 are applicable to claim 9.

Regarding claim 10, arguments analogous to those presented for claim 1 are applicable to claim 10.

Regarding claim 11, arguments analogous to those presented for claim 1 and 2 are applicable to claim 11.

As per claim 12, Setogawa et al disclose a method for ordering encoded pictures comprising a first and a second encoded picture, at least a first transmission unit is formed on the basis of the first encoded picture, at least a second transmission unit is formed on the basis of the second encoded picture, wherein a first identifier is defined for said first transmission unit and a second identifier is defined for said second transmission unit, the first and second identifiers being indicative of the respective

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decoding order of information included in the first transmission unit and information included in the second transmission unit (Fig 6a-c, Col 6 Ln 22- Col 7 Ln 46).

As per claim 13, Setogawa et al discloses the method according to claim 12, wherein the identifier is defined as an integer number (Fig 6b-c, header is always an integer number).

As per claim 14, Setogawa et al disclose the method according to claim 13, wherein a larger integer number with wrap around indicates a later decoding order (Fig 6c, Order of Display of Images in GOP; this section of the header provides the order in which each pictures is order and further shows a numerical system for ordering the picture).

As per claim 15, Setogawa et al disclose the method according to claim 12, wherein said first transmission unit includes a first slice and said second transmission unit includes a second slice (Fig 6a-c, slice layers, Col 1 Ln 43-45 and Col 7 Ln 34-Ln 47)

Regarding claim 16, arguments analogous to those presented for claim 12 are applicable to claim 16.

Regarding claim 20, arguments analogous to those presented for claim 12 are applicable to claim 20.

Regarding claim 21, arguments analogous to those presented for claim 15 are applicable to claim 21.

Regarding claim 22, arguments analogous to those presented for claim 12 are applicable to claim 22.

Regarding claim 23, arguments analogous to those presented for claim 12 are applicable to claim 23.

Regarding claim 24, arguments analogous to those presented for claim 12 are applicable to claim 24.

Regarding claim 25, arguments analogous to those presented for claim 12 are applicable to claim 25.

Regarding claim 26, arguments analogous to those presented for claim 12 are applicable to claim 26.

Regarding claim 27, arguments analogous to those presented for claim 12 are applicable to claim 27.

Regarding claim 28, arguments analogous to those presented for claim 12 are applicable to claim 28.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.



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2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Setogawa et al (US 5, 822, 024) in view of Bigham et al (US 5, 677, 905).

As per claim 17, Setogawa et al discloses the device according to claim 16, wherein it is a communication system (Col 1 Ln 63 – Col 2 Ln 2).

However, Setogawa et al does not explicitly teach a gateway device.

In the same field of endeavor, Bigham et al disclose wherein it is a gateway device (Col 4 Ln 38-43).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify image coding apparatus of Setogawa et al with the gateway device of Bigham et al because it will support a wide range of signaling protocols to control the disparate functions of all the components necessary to set up each session connection through the network.

As per claim 19, Setogawa et al discloses the device according to claim 16, wherein it is a communication systems (Col 1 Ln 63 – Col 2 Ln 2).

However, Setogawa et al does not explicitly teach a streaming server.

In the same field of endeavor, Bigham et al teaches wherein it is a streaming server (Col 9 Ln 10-25).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify image coding apparatus of Setogawa et al

with the streaming server of Bigham et al because it will provide the capability of transmitting multimedia interactively.

9. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Setogawa et al (US 5, 822, 024) in view of Watkins (US 2004/0039796).

As per claim 18, Setogawa et al discloses the device according to claim 16, wherein it is a communication device (Col 1 Ln 63 – Col 2 Ln 2).

However, Setogawa et al does not explicitly teach a mobile communication device.

In the same field of endeavor, Watkins et al teaches wherein it is a mobile communication device ([0018]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify image coding apparatus of Setogawa et al with the mobile communication device of Watkins because it will provide the capability carry and operate the device in different locations.

#### ***Other Prior Art Cited***

10. The following prior arts are relevant to the present application that is currently pending.

Raychaudhuri et al (US 5, 122, 875) disclose an HDTV compression system that includes a transmission system, and a means for ordering encoded and decoded pictures.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chikaodili E. Anyikire whose telephone number is (571) 270-1445. The examiner can normally be reached on Monday to Friday, 7:30 am to 5 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272 - 7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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